

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

EDDIE SPILLER,

Plaintiff,

v.

CASE NO: 04-CV-72815-DT

CORRECTIONAL MEDICAL SERVICES,
et al.,

Defendants

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

This matter was referred to United States Magistrate Judge R. Steven D. Pepe pursuant to 28 U.S.C. §636(b)(1)(B) and Local Rule 72.1. In his January 9, 2006 report, the magistrate judge recommends that this court grant the Defendant's Motion for Summary Judgment.

No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C), thus further appeal rights are waived.¹ Having reviewed the file and the Report, the court concludes that the findings and conclusions of the Magistrate Judge are correct and ADOPTS the same for purposes of this Order.

¹ The failure to object to the magistrate judge's report releases the court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Any objection was due with the ten days of service, which occurred not later than April 30, 2004, Fed.R.Civ.P.6(e). No objection has been filed as of the date of this order.

ORDER

IT IS ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, the Defendant Dr. Joel Shavell's Motion for Summary Judgment is **GRANTED**.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

DATED: January 31, 2006